

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **MARGARITA MARTINEZ, M.D.**

5 Holder of License No. 10110
6 For the Practice of Allopathic Medicine
in the State of Arizona.

Case No. MD-02-0553A

**CONSENT AGREEMENT FOR
PRACTICE LIMITATION
(Non-disciplinary)**

7 **CONSENT AGREEMENT**

8 Margarita Martinez, M.D. ("Physician") elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Practice Limitation; admits the
10 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
11 by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of allopathic medicine in the State of Arizona.

15 2. Physician is the holder of license number 10110 for the practice of allopathic
16 medicine in the State of Arizona.

17 3. On June 10, 2003, Physician entered into a Stipulated Health Agreement
18 (SHA) that allowed her to practice medicine, but required her to undergo medical
19 treatment and have her treating provider submit quarterly reports to the Board. In June
20 and October 2009, Board Staff received quarterly reports that showed Physician has
21 additional health conditions that make it difficult to comply with the SHA and result in her
22 no longer being able to safely engage in the practice of medicine.

23 4. There has been no finding of unprofessional conduct against Physician.

24 **CONCLUSIONS OF LAW**

25 1. The Board possesses jurisdiction over the subject matter hereof and over

1 Physician.

2 2. The Board possesses statutory authority to enter into a consent agreement
3 with a physician to limit or restrict the physician's practice or to rehabilitate the physician,
4 protect the public and ensure the physician's ability to safely engage in the practice of
5 medicine. A.R.S. § 32-1451(F).

6 **ORDER**

7 IT IS HEREBY ORDERED THAT:

8 1. Physician's practice is limited in that she shall not practice medicine in the
9 State of Arizona and is prohibited from prescribing any form of treatment including
10 prescription medications until Physician applies to the Board and receives permission to
11 do so. The Board may require any combination of staff approved assessments,
12 evaluations, treatments, examinations or interviews it finds necessary to assist in
13 determining whether Physician is able to safely resume such practice.

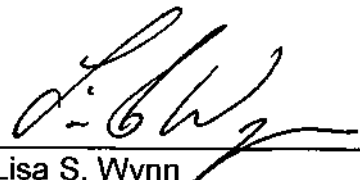
14 2. The Board retains jurisdiction and may initiate a separate disciplinary action
15 based on the facts and circumstances that form the basis for this practice limitation or any
16 violation of this Consent Agreement.

17 3. The Stipulated Health Agreement entered into on June 10, 2003 is hereby
18 terminated.

19 DATED AND EFFECTIVE this 16TH day of NOVEMBER, 2009.



ARIZONA MEDICAL BOARD

By 
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

1. Physician has read and understands this Order for Practice Limitation and Consent to Same and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Physician acknowledges she has the right to consult with legal counsel regarding this matter.

2. Physician acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Physician voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved and signed by the Executive Director.

5. All admissions made by Physician are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Physician. Therefore, said admissions by Physician are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Physician may not revoke the consent to the entry of the Order. Physician may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

1 7. This Order is a public record that will be publicly disseminated as a formal
2 **non-disciplinary** action of the Board.

3 8. If any part of the Order is later declared void or otherwise unenforceable,
4 the remainder of the Order in its entirety shall remain in force and effect.

5 9. Any violation of this Order constitutes unprofessional conduct and may
6 result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
7 probation, consent agreement or stipulation issued or entered into by the board or its
8 executive director under this chapter") and 32-1451.

9
10 Margarita Martinez, M.D. DATED: 11/13/09
11 MARGARITA MARTINEZ, M.D.

12
13 ORIGINAL of the foregoing filed this
16 day of November, 2009 with:

14 The Arizona Medical Board
15 9545 East Doubletree Ranch Road
16 Scottsdale, AZ 85258

17 EXECUTED COPY of the foregoing filed
this 16 day of November 2009 with:

18 Margarita Martinez, M.D.
19 Address of Record

20 Kayla Colay
21 Arizona Medical Board Staff
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